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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Christian Kraft

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05/27/2004

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EXAMINER

BRINEY III, WALTER F

ART UNIT

PAPER NUMBER

2644

6

DATE MAILED: 05/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/993,664

Applicant(s)

KRAFT ET AL.

Examiner

Walter F Briney III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 9-15, 18, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Bottoms et al. (US Patent 5,559,792).

Claim 1 is limited to a **method of enabling a user of a first communication terminal to selectively distort an acoustic signal**. Bottoms discloses a device for use in simultaneous voice and data communications (figure 2, element 502). The device allows for selective voice modification (i.e. **enables a user of a first communication terminal to selectively distort an acoustic signal**) (column 3, lines 20-28). The device allows users to talk over a PSTN link, wherein talking involves inputting a voice signal at one terminal and transmitting said voice signal to a second terminal (i.e. **wherein the acoustic signal is inputted into the first communication terminal during a call with a user of a second communication terminal**) (column 1, line 57-column 2, line 8). Therefore, Bottoms anticipates all limitations of the claim.

Claim 2 is limited to a **method of enabling a user of a first communication terminal to selectively distort an acoustic signal**. Bottoms discloses a device for simultaneous voice and data communications that allows a user to modify their outgoing voice (i.e. **enables a first user to selectively distort an acoustic signal**) (column 1,

line 58-column 2, line 8). Bottoms discloses that while two parties are in communication a voice stream is transmitted from the first of the two parties (i.e. **the user of the first communication terminal inputs an acoustic signal**). The voice is modified by the voice modifier (i.e. **a processor of the first communication terminal distorts the signal according to a selection in the first communication terminal**) (figure 2, element 130) (column 3, lines 20-28). Bottoms discloses that the effects are programmable (i.e. **where the selection is user defined or selected**) (column 5, lines 56-63). Bottoms discloses modifying a user's voice, encoding, modulating, and transmitting the voice to a distant receiver (i.e. **the processor transfers the distorted signal and transmits the signal via a communication network to the second communication terminal**) (column 1, line 58-column 2, line 8). Bottoms discloses that the modified speech is transmitted and thus inherently comprises the acoustic signal that is output by a processor of the second communication terminal (i.e. **and a processor of the second communication terminal receives the distorted signal and uses the distorted signal as output acoustic signal in the second communication terminal to the user of the second communication terminal**).

Therefore, Bottoms anticipates all limitations of the claim.

Claim 3 is limited to **the method of claim 1**, as covered by Bottoms. Bottoms discloses that the voice modification circuitry (figure 2, element 130) is comprised of discrete analog components (i.e. **wherein the distortion of the acoustic signal is made in an analog signal processor**) (column 5, lines 14-15). Therefore, Bottoms anticipates all limitations of the claim.

Claim 4 is limited to **the method of claim 1**, as covered by Bottoms. Bottoms discloses that the voice modification circuitry (figure 2, element 130) is comprised of a programmable digital signal processor (i.e. **wherein the distortion of the acoustic signal is made in a digital signal processor**) (column 5, lines 15-17). Therefore, Bottoms anticipates all limitations of the claim.

Claim 5 is limited to **the method of claim 1**, as covered by Bottom. Bottoms discloses that the voice modification circuitry (figure 2, element 130) is comprised of a programmable digital signal processor (i.e. **wherein the distortion of the acoustic signal is made in a digital signal processor**) (column 5, lines 15-17), and that the output is later voice encoded (i.e. **where the digital signal processor is separated from the digital signal processor making the speech coding of the acoustic signal**) (figure 2, element 110). Therefore, Bottoms anticipates all limitations of the claim.

Claim 6 is limited to **the method of claim 1**, as covered by Bottoms. Bottoms discloses that the signal line (figure 2, element 12) represents a single pole-K throw switch, such that a user selects between K different voice effects, wherein one effect involves disabling the voice effect module (i.e. **wherein the user selects a distortion profile out of a number of pre-defined distortion profiles**) (column 3, lines 20-28). Therefore, Bottoms anticipates all limitations of the claim.

Claim 9 is limited to **the method of claim 1**, as covered by Bottoms. Bottoms discloses selecting particular voice modifying effects to enhance the experience of a gaming experience, such that different voice effects are selectable during different parts

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of a game (i.e. **wherein the user selects the distortion profile during a call**) (column 2, lines 2-8) (column 5, lines 25-39). Therefore, Bottoms anticipates all limitations of the claim.

Claim 10 is rejected for the same reasons as claim 9.

Claim 11 is limited to a **communication terminal**. Bottoms discloses a device for simultaneous voice and data communications with the further ability of selectively modifying a user's voice. Bottoms discloses **input** (figure 2, element 21) **and output interfaces** (figure 2, element 147) **provided with means for distorting an acoustic signal** (figure 2, element 130). Bottoms discloses a voice modifier (i.e. **a processor which distorts an acoustic signal inputted from a user**) (figure 2, element 130) that is operable to modify a voice based on a user's input (i.e. **according to a user selected setting of the distortion in the communication terminal**) (column 3, lines 20-28). The user makes a voice modification selection using a k-throw switch (i.e. **and a user interface where the user can select the distortion selections**) (figure 2, element 12) (column 3, lines 20-28). Bottoms discloses that the modified signal is encoded, modulated and transmitted (i.e. **and wherein the processor transmits the distorted signal to a second communication terminal**) (column 1, line 58-column 2, line 8). Therefore, Bottoms anticipates all limitations of the claim.

Claims 12-15, 18, and 19 are essentially the same as claims 3-6, 9, and 10, respectively, and are rejected for the same reasons.

Claims 1, 7, 8, 11, 16, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Clancy et al. (US Patent 5,802,164).

Claim 1 is limited to **a method of enabling a user of a first communication terminal to selectively distort an acoustic signal**. Chancy discloses a system that allows selective signal enhancement (i.e. **selective distortion**) of voice streams (i.e. **acoustic signals**) (abstract). Chancy discloses that a first voice stream is received by a caller (figure 3, element 125) and is transmitted to a callee (i.e. **wherein the acoustic signal is inputted into the first communication terminal during a call with a user of a second communication terminal**) (figure 1, element 105n). Therefore, Chancy anticipates all limitations of the claim.

Claim 7 is limited to **the method of claim 1**, as covered by Chancy. Chancy discloses that the switch (i.e. **the user**) analyzes a dialed number and determines from a database (i.e. **phone-book of the communication terminal**) the type of enhancement to provide (i.e. **selecting a distortion profile for each person in a phone-book of the communication terminal**) (column 6, line 63-column 7, line 10). Therefore, Chancy anticipates all limitations of the claim.

Claim 8 is limited to **the method of claim 1**, as covered by Chancy. Chancy discloses detecting dialed number and determining from a database the type of enhancement to provide. This inherently occurs at call setup (i.e. **wherein the user selects the distortion profile for each call setup**). Therefore, Chancy anticipates all limitations of the claim.

Claim 11 is limited to **a communication terminal**. Chancy discloses **input** (figure 1, element 125a) and **output interfaces** (figure 1, element 130) **provided with means for distorting an acoustic signal** (figure 3, element 140). Chancy discloses an

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enhancement device (i.e. **a processor**) (figure 3, element 119) for enhancing a signal (i.e. **an acoustic signal**) to be transmitted by a switch (figure 1, element 115a) (i.e. **a user**) based on an enhancement profile corresponding to a dialed number (i.e. **according to a user selected setting of the distortion in the communication terminal**) (column 6, line 63-column 7, line 10). Chancy discloses a switch (i.e. **a user**) with a processor that accesses a memory (i.e. **a user interface**) (figure 3, elements 140, 145) to determine the enhancement to be provided (i.e. **where the user can select the distortion selections**) (column 6, lines 1-14). The processor then transmits the signals to the second communication device (i.e. **and wherein the processor transmits the distorted signal to a second communication terminal**) (figure 1, element 105n). Therefore, Chancy anticipates all limitations of the claim.

Claims 16 and 17 are essentially the same as claims 7 and 8, respectively, and are rejected for the same reasons.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Walter F Briney III whose telephone number is 703-305-0347. The examiner can normally be reached on M-F 8am - 4:30pm.

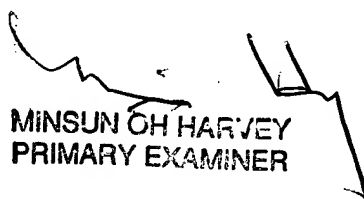
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W Isen can be reached on 703-305-4386. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WFB  
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PRIMARY EXAMINER